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NEW DELHI, SATURDAY, MAY 19, 1973 (VAISAKHA 29, 1895)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके  
(Separate paging is given to this Part in order that it may be filed as a separate compilation)

## भाग III—खण्ड 3

### (PART III—SECTION 3)

लघु प्रशासनों से सम्बन्धित अधिसूचनाएं

(Notifications relating to Minor Administrations)

#### UNION TERRITORY OF DADRA AND NAGAR HAVELI

*Silvassa, the 28th April 1973*

No. DEV/TDB/VP/By-Election/1254.—In exercise of the powers delegated to him under section 16 of the Dadra and Nagar Haveli Village Panchayats Regulation, 1965, read with rule 6(1) of the Dadra and Nagar Haveli Village Panchayat (Election Procedure) Rules, 1967, I, Jagdish Sagar, Collector, Dadra and Nagar Haveli, Silvassa do hereby notify the dates of by Election of Naroli Village Panchayat ward No. II as 2-6-73.

JAGDISH SAGAR  
Collector  
Dadra and Nagar Haveli  
Silvassa.

*Silvassa, the April 1973*

No. ADM/VP/73.—In exercise of the powers conferred by clause (b) of sub-section (2) of section 66 of the Dadra and Nagar Haveli Village Panchayats Regulation, 1965 the Administrator, Dadra and Nagar Haveli hereby makes the following amendments to the Dadra and Nagar Haveli Village Panchayats (Election Procedure) Rules 1967, namely :—

#### 1. Short title and commencement

(a) These rules may be called the Dadra and Nagar Haveli Village Panchayats (Election Procedure) (Amendment) Rules, 1973.

(b) They shall come into force immediately.

#### 2. Insertion of Rules 19-A and 28-A.

After rules 19 and 28 respectively, of the Dadra and Nagar Haveli Village Panchayat (Election Procedure) Rules, 1967 the following rules shall be inserted, namely :—

#### 19-A. Voting by Officer on duty at Polling Station.

(1) A presiding Officer or Polling Officer or a public servant who is on election duty at a polling station at which he is not entitled to vote at the election in connection with which he is employed shall send an application in form No. 13 to the Returning Officer so as to reach him at least 7 days or such shorter period as the Returning Officer is satisfied that the applicant is a voter on election duty, he shall issue a postal ballot paper to him.

(2) A postal ballot paper shall be the same as that of the ordinary ballot paper in Form No. 2.

(3) (i) A postal ballot paper shall be sent by post under certificate of posting to the voter together with—

- (a) a declaration in Form No. 9.
- (b) a cover in Form No. 10.
- (c) a large cover addressed to the Returning Officer in Form 11.
- (d) instructions for the guidance of the elector in Form No. 12.

Provided that the Returning Officer may, in any case of a voter on election duty, deliver the ballot paper and forms or cause them to be delivered to such voter personally.

(ii) The Returning Officer shall at the same time record the serial number of each ballot paper against the entry relating to that voter in the marked copy of the voter list.

(iii) Ensure that the voter is not allowed to vote at a polling station.

4. Every Officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addressee without delay.

5. After ballot papers have been issued to all voters entitled to vote by post the Returning Officer shall (i) At an election to the Village Panchayat, seal up in a packet that part of the marked copy of the voters list and record on the packet a brief description of its contents and the date on which it was sealed and sent to the Presiding Officers for recording the serial numbers of ballot papers issued to voters at the polling station.

6. A voter who has received a postal ballot paper and desires to vote shall record his vote on the ballot paper in accordance with the directions contained in Form No. 12 and then enclose it in cover in Form No. 10.

7. The voter shall sign the declaration in Form No. 9 in the presence of, and have the signature attested by a Magistrate or such other Gazetted Officer or the Presiding Officer of the Polling Station at which he is on election duty as may be appropriate, to whom he is personally known or to whose satisfaction he has been identified.

8. (i) When a postal ballot paper and other papers sent under sub-rule (3) are for any reason returned undelivered the Returning Officer may re-issue them by post under certificate of posting or deliver them or cause them to be delivered to the voter personally on a request being made by him.

(ii) If any voter has inadvertently dealt with the ballot paper or any of the other papers sent to him under sub-rule (3) in such manner that cannot conveniently be used, a second set of paper shall be issued to him after he has returned the spoilt papers and satisfied the Returning Officer of the inadvertence.

(iii) The Returning Officer shall cancel the spoilt papers so returned and keep them in a separate packet after noting thereon the particulars of the Panchayat Election and serial numbers of the cancelled ballot papers.

9. (i) After the voter has recorded his vote and made his declaration under sub-rule 7 shall return the ballot paper and declaration to the Returning Officer in accordance with the instructions communicated to him in Form No. 12 so as to reach the Returning Officer before the close of the poll of the panchayat.

(ii) If any cover containing the postal ballot paper is received by the Returning Officer after the expiry of the time fixed under sub-rule 9(i) he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.

(iii) The Returning Officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballot papers received by him.

#### 28-A Counting of Votes received by post :—

(1) The Returning Officer shall first deal with the postal ballot papers in the manner hereinafter provided.

(2) No cover in Form No. 11 received by the Returning Officer after the expiry of the time fixed in that behalf shall be opened and no vote contained in any such cover shall be counted.

(3) The other covers shall be opened one after another and as such cover is opened, the Returning Officer shall first scrutinise the declaration in Form No. 9 contained therein.

(4) If the said declaration is not found or has not been duly signed and attested, or is otherwise substantially defective, or if the serial number of the ballot paper as entered in it differs from the serial number endorsed on the cover in form No. 10 that cover shall not be opened and after making an appropriate endorsement thereon, the Returning Officer shall reject the ballot paper therein contained.

(5) Each cover so endorsed and the declaration received with it shall be replaced in the cover in Form No. 11 and all such covers in Form No. 11 shall be kept in a separate packet which shall be sealed and on which shall be re-recorded the name of the panchayat, the number or the name of ward and the date of counting.

(6) The Returning Officer shall then place all the declarations in Form No. 9 which he has found to be in order in a separate packet which shall be sealed before any cover in Form No. 10 is opened and on which shall be recorded the particulars referred to in sub-rule (5).

(7) The covers in Form No. 10 not already dealt with under the foregoing provisions of this rule shall then be opened one after another and the Returning Officer shall scrutinise each ballot paper and decide the validity of the vote recorded thereon.

(8) A postal ballot paper shall be rejected :—

- (a) if it bears any mark (other than the mark to record the vote) or writing by which the elector can be identified; or
- (b) if no vote is recorded thereon; or
- (c) if votes are given on it in favour of more candidates than required; or
- (d) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- (e) if it is a spurious ballot paper; or
- (f) if it is not returned in the cover sent along with it to the elector by the Returning Officer.

9. A vote recorded on a postal ballot paper shall be rejected if the mark indicating the vote is placed on the ballot paper in such manner as to make it doubtful to which candidate the vote has been given.

10. A vote recorded on a postal ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

11. The Returning Officer shall count all the valid votes given by postal ballot in favour of each candidate, record the total thereof in the result sheet in Form No. 8 and announce the same.

12. Thereafter, all the valid ballot papers and all the rejected ballot papers shall be separately bundled and kept together in a packet which shall be sealed with the seals of the Returning Officer and of such of the candidates, their counting agents as may desire to affix their

seals thereon and on the packet so sealed shall be recorded the following particulars, Namely :—

- (a) the name of the Panchayat;
- (b) the number on the name of ward; and
- (c) the date of counting.

By order of the Administrator.

Sd./- ILLEGIBLE  
Secretary to the Administrator,  
Dadra and Nagar Haveli,  
Silvassa.

#### FORM NO. 9

Declaration by voter

[see rule 19-A(2)]

Election to the \_\_\_\_\_ Village Panchayat.

(This side is to be used only when the voter signs the declaration himself).

I hereby declare that I am a voter to whom the postal ballot paper bearing serial number \_\_\_\_\_ has been issued at the above election.

Date :—

Signature of Voter

#### Attestation of Signature

The above has been signed in my presence by Shri \_\_\_\_\_ voter who is personally known to me/has been identified to my satisfaction by Shri \_\_\_\_\_ (identifier) who is personally known to me.

Signature of	Signature of Attesting Officer
Identifier, if any	Designation
Address	Address
	Date

(This side is to be used when the voter cannot sign himself)

I hereby declare that I am voter to whom the postal ballot paper bearing serial number \_\_\_\_\_ has been issued at the above election.

Signature of Attesting Officer  
Designation  
Address of Voter.

#### CERTIFICATE

I hereby certify that :—

(1) the above named voter is personally known to me/has been identified to my satisfaction by Shri \_\_\_\_\_ (identifier) who is personally known to me.

(2) I am satisfied that the voter is illiterate suffers from \_\_\_\_\_ (infirmity) and is unable to record his vote himself or sign his declaration.

(3) I was requested by him to mark the ballot paper and to sign the above declaration on his behalf; and

(4) The ballot paper was marked and the declaration signed by me on his behalf in his presence and in accordance with his wishes.

Signature of	Signature of Attesting Officer
identifier, if any	Designation

Address	Address
---------	---------

Date

#### FORM NO. 10

Small Cover

[See Rule 19-A(2).]

A	NOT TO BE OPENED BEFORE COUNTING
	ELECTION TO THE _____ Village Panchayat
	Ward No. _____
	Postal Ballot Paper Serial No. of Ballot paper

#### FORM NO. 11

Large Cover

[See Rule 19-A(2)]

B	Every officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addressee without delay. [See Rule 19-A(4)]	SERVICE UNPAID
	Election Immediate	
	Postal Ballot Paper _____ Village Panchayat	
	(Not to be opened before counting) To The Returning Officer _____ Village Panchayat, Ward No. _____	
	Signature of the sender	

## FORM NO. 12

Instructions for the guidance of voter

(To be used at an election to the Village Panchayat)  
Election to the \_\_\_\_\_ Village Panchayat.

The persons whose name are printed on the ballot paper sent herewith are candidates at the above election. If you desire to vote, you should record your vote in accordance with the directions given in Part I below and then follow the instruction detailed in Part II)

## Part—I (Directions to electors.)

1. The number of members to be elected is \_\_\_\_\_
2. You have only \_\_\_\_\_ vote/s.
3. You must not vote for more than \_\_\_\_\_ candidate/s if you do, your ballot paper will be rejected.
4. Record the vote by placing clearly a mark opposite the name of the candidate/s to whom you wish to give that vote.
5. The mark should be so placed as to indicate clearly and beyond doubt to which candidate/s you are giving your vote. If the mark so placed as to make it doubtful to which candidate/s you have given the vote, that vote will be invalid.
6. An voter shall obtain the attestation of his signature on the declaration in Form No. 9 by a Magistrate or such other Gazetted Officer or Presiding Officer of the Polling Station at which he is on election duty.

## Part—II Instruction for electors.

(a) After you have recorded your vote on the Ballot Paper place the ballot paper in the smaller cover marked 'A' sent herewith, close the cover and secure it by seal or otherwise.

(b) You have then to sign the declaration in Form No. 9 also sent herewith in the presence of a Magistrate or any other Officer competent to attest your signature (see direction No. 6 above) take the declaration to any such officer and sign it in his presence after he has been satisfied about your identity. The officer will attest your signature and return the declaration to you. You must not show your ballot paper to the attesting Officer not tell him how you have voted.

(c) If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reasons of illiteracy, blindness or other infirmity, you are entitled to have your vote marked and the declaration signed on your behalf by any officer referred to in item (b). Such an Officer will at your request mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.

(d) After your declaration has been signed and your signature has been attested in accordance with item (b) or item (c) place the declaration in Form No. 10 as also the smaller cover marked 'A' containing the ballot paper in the larger cover marked 'B'. After closing the larger send it to the Returning Officer by post or by messenger. You have to give your full signature in the space provided on the cover marked 'B' but no postage stamp need be affixed by you.

(e) You must ensure that the cover reaches the Returning Officer before \_\_\_\_\_ P.M. on \_\_\_\_\_.

(f) Please note that

- (i) if you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected; and
- (ii) if the cover reaches the Returning Officer after \_\_\_\_\_ P.M. on the \_\_\_\_\_ your vote will not be counted.

## FORM NO. 13

[See Rule 19-A(3)(d)]

Letter of intimation to Returning Officer

To

The Returning Officer  
Village Panchayat  
\_\_\_\_\_

Sir,

I have been appointed as \_\_\_\_\_ at the Polling Station to the \_\_\_\_\_ Village Panchayat election. I intend to cast my vote by post at the ensuing Village Panchayat election to the \_\_\_\_\_ Village Panchayat.

My name is entered at Sr. No. \_\_\_\_\_ in ward No. \_\_\_\_\_ of the \_\_\_\_\_ Village Panchayat voters list.

The ballot paper may be sent to me at the following address;

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Yours faithfully

Place :—

Date :—